

REMARKS

Claims 1, 3, 4, 23, 24, 30 and 31 have been withdrawn. Claims 5, 6, 8, 22 and 25-29 have been cancelled. Claims 2, 7 and 9-21 have been amended and remain in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

Claim 2 has been amended to replace "causes" with "enables."

Claims 13- 15, 17-19 and 21 have been amended to replace "afterward" with "other."

Claims 15-17 have been amended to replace the term "edit patterns" with the word "patterns."

Claims 13 and 16 have been amended to replace the term "an arbitrary reference" with the term "a first reference."

Claims 4, 8, 11-12, 14, 16-21 have been amended to correct various antecedent bases problems noted by the Examiner.

Claims 2 and 10 were rejected under 35 U.S.C. 102(a) as being anticipated by Kang USP 7,127,429. Claims 5-7, 9 and 11-12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kang in view of Yagawa USP 6751598. Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kang in view of Dulin US20020029200. Claims 13 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kang in view of Russell US20020049679. Claims 14, 16-22 and 25-29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kang and Russell in view of Yagawa. The Examiner stated:

"As to claim 6, Kang and Yagawa teach that the contents distribution support system further comprises an amount setting section that fixes an amount to be subtracted or added [e.g., Yagawa: col.2, lines 25-28]. . . .

It would have been obvious to one of ordinary skill in the art at the time the invention was made that Kang's system is also in need of a recovery procedure and Yagawa's roll-back process is applicable to Kang's system because the principles are the

same even though the subject in the transaction may be different. Namely, it would have been obvious to one of ordinary skill in the art to monitor Kang's the communication state between the selected one terminal and another terminal, and when interruption of the communication is judged by the communication monitoring section, selection is executed again based on information on the terminal stored in the storing section, and the amount setting section fixes the amount to be added by dividing the amount according to a contents size before the communication is interrupted and a contents size after the communication is interrupted."

The rejection of claims 5, 6, 8, 22 and 25-29 is made moot by the cancellation of those claims. The rejection of claims 2, 7 and 9-21 is respectfully traversed with respect to the claims, as amended.

Claims 2, 7 and 9-21, as amended, are directed to a contents distribution support system comprising a number of elements in combination. In amended claim 2, for example, the claimed combination includes a contents server, a plurality of terminals connected to the contents server via a network and an amount setting section that fixes an amount to be subtracted or added. The claimed combination requires that the amount setting section fixes the amount to be added by dividing the amount according to a contents size before the communication is interrupted and a contents size after the communication is interrupted.

As explained at paragraphs 141-142 of the present application, in one embodiment the size of the distributed contents is determined before interruption occurs. Then, the saving of the distribution fee and the update of historical data are executed according to the size of the distributed contents, and processing is ended. In this way, the contents are downloaded (received). Then, in this case, when the distribution of contents is interrupted, the saving of the distribution fee is executed according to the size of contents distributed so far, so that an excellent download (reception) can be executed even in an unstable network.

A similar combination of elements, including the claimed amount setting section that fixes the amount to be added by dividing the amount according to a contents size before the communication is interrupted and a contents size after the communication is interrupted, is neither disclosed nor suggested in any of the cited references.

The Examiner identifies the Yagawa reference as disclosing the claimed amount setting section. However, the portion of Yagawa relied upon by the Examiner (col.2, lines 25-28) merely states that one object of Yagawa is "... to provide a digital content distribution system which is suitable for a fixed rate system with a charge for use of a digital content fixed irrespective of the frequency of use."

There is no teaching or suggestion at the cited portion of Yagawa, or elsewhere in Yagawa, of a combination including an amount setting section that fixes the amount to be added by dividing the amount according to a contents size before the communication is interrupted and a contents size after the communication is interrupted.

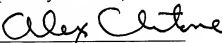
The fundamental deficiencies with Yagawa are not compensated by any of the other cited and applied references. None of the cited and applied references disclose or suggest a combination including an amount setting section that fixes the amount to be added by dividing the amount according to a contents size before the communication is interrupted and a contents size after the communication is interrupted.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 116692005000.

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Respectfully submitted,

By 

Alex Chartove

Registration No.: 31,942

MORRISON & FOERSTER LLP

1650 Tysons Blvd, Suite 400

McLean, Virginia 22102

(703) 760-7744